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UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON

**BRENT DIAL,**

CV 02-1414-BR

Plaintiff,

vs.

ORDER

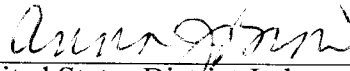
**COMMISSIONER of Social Security,**

Defendant.

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Attorney fees in the amount of \$13,158.50 are hereby awarded to Plaintiff's attorney pursuant to 42 U.S.C. § 406(b). The court finds this is a reasonable fee. Previously, this court awarded \$4,050.00, pursuant to the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412. When issuing the § 406(b) check, the agency is directed to subtract the amount previously awarded under the EAJA, and to send to Plaintiff's attorney **at his current address shown above** the balance of \$9,108.50, minus the user fee. Any withheld amount remaining (including the EAJA fee offset) after all attorneys fees are paid should be released to the claimant.

DATED this 9<sup>th</sup> day of May, 2005.

  
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United States District Judge

Presented by:  
/s/ Tim Wilborn, OSB # 94464  
(503) 697-7019  
Attorney for Plaintiff